

Application No. 10/694,960

AMENDMENT AND RESPONSE dated October 26, 2007

Reply to Office Action of April 4, 2007 and Notice of Panel Decision

from Pre-Appeal Brief Review of August 6, 2007

AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listing, of claims in the application:

Listing of Claims:

1. (Original) A process cheese comprising casein and whey protein with a ratio of casein to whey protein of from about 50:50 to about 75:25, wherein the process cheese has a penetrometer firmness of about 10 to about 20 mm and a melting point of about 105 to about 150°F.
2. (Original) The process cheese of claim 1, further comprising an emulsifier, milkfat, and one or more ingredients selected from whole whey, cheese, and lactic acid.
3. (Original) The process cheese of claim 1, wherein the ratio of casein to whey protein in the process cheese is from about 60:40 to about 75:25.
4. (Original) The process cheese of claim 1, wherein the ratio of casein to whey protein is from about 60:40 to about 70:30.
5. (Original) The process cheese of claim 1, comprising about 15 to about 35 percent cheese, about 10 to about 20 percent added fat, about 2.75 to about 3.25 percent emulsifier, about 5 to about 20 percent milk protein concentrate, and about 10 to about 20 percent whey protein concentrate.

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6. (Original) The process cheese of claim 1, comprising about 15 to about 25 percent added fat, about 2.75 to about 3.25 percent emulsifier, about 0.5 to about 1.0 percent lactic acid, about 5 to about 20 percent milk protein concentrate, and about 10 to about 20 percent whey protein concentrate.

7. (Original) The process cheese of claim 6, further comprising about 2 to about 10 percent whole whey.

8. to 26. (Cancelled)

27. (Previously Presented) A process cheese comprising casein and whey protein and an emulsifier with a ratio of casein to whey protein of from about 50:50 to about 75:25, wherein the process cheese has a penetrometer firmness of about 10 to about 20 mm and a melting point of about 105 to about 150°F.

28. (Previously Presented) The process cheese of claim 27, further comprising milkfat and one or more ingredients selected from whole whey, cheese, and lactic acid.

29. (Previously Presented) The process cheese of claim 27, wherein the ratio of casein to whey protein in the process cheese is from about 60:40 to about 75:25.

30. (Previously Presented) The process cheese of claim 27, wherein the ratio of casein to whey protein is from about 60:40 to about 70:30.

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31. (Previously Presented) The process cheese of claim 28, wherein the ratio of casein to whey protein in the process cheese is from about 60:40 to about 75:25.

32. (Previously Presented) The process cheese of claim 28, wherein the ratio of casein to whey protein is from about 60:40 to about 70:30.

33. (Previously Presented) A process cheese comprising:
a homogenized emulsion of casein and whey protein with a ratio of casein to whey protein from about 1:1 to about 3:1; and
wherein the process cheese has a penetrometer firmness of about 10 to about 20 mm and a melting point of about 105 to about 150°F.

34. (Previously Presented) The process cheese of claim 33, further comprising an emulsifier, milkfat, and one or more ingredients selected from whole whey, cheese, and lactic acid.

35. (Previously Presented) The process cheese of claim 33, comprising about 15 to about 35 percent cheese, about 10 to about 20 percent added fat, about 2.75 to about 3.25 percent emulsifier, about 5 to about 20 percent milk protein concentrate, and about 10 to about 20 percent whey protein concentrate.

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36. (Previously Presented) The process cheese of claim 33, comprising about 15 to about 25 percent added fat, about 2.75 to about 3.25 percent emulsifier, about 0.5 to about 1.0 percent lactic acid, about 5 to about 20 percent milk protein concentrate, and about 10 to about 20 percent whey protein concentrate.

37. (Previously Presented) The process cheese of claim 36, further comprising about 2 to about 10 percent whole whey.

38. (Previously Presented) A process cheese comprising:
casein and whey protein with a ratio of casein to whey protein from about 1:1 to about 3:1;

wherein the process cheese has a penetrometer firmness of about 10 to about 20 mm and a melting point of about 105 to about 150°F; and

wherein at least one of the casein and the whey protein is a modified dairy protein.

39. (Previously Presented) The process cheese of claim 38, wherein the modified dairy protein is a high solubility milk protein.

40. (Previously Presented) The process cheese of claim 38, wherein the modified dairy protein is a high viscosity whey protein.

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41. (Previously Presented) The process cheese of claim 40, wherein the modified dairy protein is a low calcium whey protein having a calcium concentration of about 3000 ppm or less.

42. (Previously Presented) The process cheese of claim 38, wherein the modified dairy protein is an emulsified high fat whey protein.